



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUN 12 2008

REPLY TO THE ATTENTION OF:  
AE-17J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Doug Harris  
General Manager  
Veolia Environmental Services  
#7 Mobile Avenue  
Sauget, Illinois 62201

Dear Mr. Harris:

This is to advise you that the U.S. Environmental Protection Agency has determined that Veolia Environmental Services' facility at #7 Mobile Avenue, Sauget, Illinois is in violation of the Clean Air Act (CAA). We are today issuing you a Finding of Violation (FOV) for these violations.

The Act requires the development of standards for emissions of Hazardous Air Pollutants (HAP) to protect the public health and welfare. EPA has promulgated Maximum Achievable Control Technology (MACT) standards set forth to address HAP emissions from various source categories. As discussed more fully in the enclosed FOV, Veolia is in violation of the MACT standards that regulate HAP emissions from Hazardous Waste Combustors.

Section 113 of the Act gives us several enforcement options to resolve these violations. The options include issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action.

We are offering you the opportunity to request a conference with us about the violations alleged in the FOV. This conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent you at this conference.

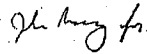
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The EPA contact in this matter is Sarah Marshall. You may call her at (312) 886-6797 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



Cheryl L. Newton  
Acting Director  
Air and Radiation Division

Enclosure

cc: Ray Pilapil, Manager  
Compliance and Systems Management Section  
Illinois Environmental Protection Agency

VES 004735

## United States Environmental Protection Agency

<p>IN THE MATTER OF:</p> <p>Veolia Environmental Services</p> <p>Proceedings Pursuant to the Clean Air Act, 42 U.S.C. §§ 7403 et seq.</p>	<p>FINDING OF VIOLATION</p> <p>EPA-5-08-19-IL</p>
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## FINDING OF VIOLATION

Veolia Environmental Services (you or Veolia) owns and operates three hazardous waste incinerators at #7 Mobile Avenue, Sauget, Illinois (facility). The incinerators are identified as Incinerator Nos. 2, 3, and 4.

The U.S. Environmental Protection Agency is sending you this Finding of Violation (FOV) to notify you that we have found that Veolia is violating Section 112 of the Clean Air Act and its implementing regulations for National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors at 40 C.F.R. Part 63, Subpart EEE.

## National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors

1. On September 30, 1999, U.S. EPA promulgated the National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors (HWC NESHAP) at 40 C.F.R. Part 63, Subpart EEE (64 Fed. Reg. 53038).
2. In July 2001, the D.C. Circuit Court of Appeals vacated the HWC NESHAP. *Cement Recycling Coal v. EPA*, 347 U.S. App. D.C. 127, 255 F.3d 855, 857 (D.C. Cir. 2001). The Court stayed the vacatur until U.S. EPA could promulgate interim standards.
3. On February 13, 2002, U.S. EPA promulgated the HWC NESHAP interim standards at 40 C.F.R. Part 63, Subpart EEE (67 Fed. Reg. 6792).

VES 004736

#### Regulatory Requirements for HWC NESHAP

4. The following HWC NESHAP requirements are relevant to this FOV:

- a. 40 C.F.R. §63.1203(a)(2) prohibits a source from emitting mercury in excess of 130 micrograms per dry standard cubic meter (ug/dscm) for all hazardous waste incinerators.
- b. 40 C.F.R. § 63.1207(b)(1) requires that an owner or operator of a Hazardous Waste Combustor conduct a Comprehensive Performance Test to, in part, demonstrate compliance with the HWC NESHAP emission standards and establish operating parameter limits.
- c. 40 C.F.R. § 63.1207(f) requires a source to submit a Compliance Performance Test Plan.
- d. 40 C.F.R. § 63.1207(f)(1)(x) states that if a source wants to request to extrapolate metal feed rate limits from the Compliance Performance Test levels, it must include the following in the Compliance Performance Test Plan:
  - i. A description of the extrapolation methodology and rationale for how the approach ensures compliance with the emissions standards;
  - ii. Documentation of the historical range of normal (i.e., other than during compliance testing) metals feed rates for each feedstream; and
  - iii. Documentation that the level of spiking recommended during the performance test will mask sampling and analysis imprecision and inaccuracy to the extent that the extrapolated feed rate limits adequately assure compliance with the emission standards.

#### Explanation of Violation


- 5. From at least January 2005 through March 2006, Veolia's mercury emissions exceeded 130 micrograms per dry standard cubic meter at Incinerator Nos. 2, 3, and 4 in violation of 40 C.F.R. §63.1203(a)(2).
- 6. From at least December 30, 2003 through the present, Veolia has used and continues to use as surrogates for mercury emission standards operating parameter limits that it derived from an extrapolation methodology for which it did not appropriately request approval in its Compliance Performance Test Plan, in violation of 40 C.F.R. § 63.1207(f)(1)(x).

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**Environmental Impact of Violations**

7. Hazardous Air Pollutant (HAP) standards may cause serious health effects including birth defects and cancer. HAPs may also cause harmful environmental and ecological effects.

6/2/08  
Date

  
Cheryl L. Newton  
Acting Director  
Air and Radiation Division

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## CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice and Finding of Violation, No. EPA-5-08-19-IL, by Certified Mail, Return Receipt Requested, to:


Doug Harris  
General Manager  
Veolia Environmental Services  
#7 Mobile Avenue  
Sauget, Illinois 62201

I also certify that I sent copies of the Finding of Violation and Notice of Violation by first class mail to:

Ray Pilapil, Manager  
Compliance and Systems Management Section  
Illinois Environmental Protection Agency  
1021 North Grand Avenue  
Springfield, Illinois 62702

on this 12<sup>th</sup> day of June, 2008

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 8920 576

  
Betty Williams  
Administrative Program Assistant  
AECAS (IL/IN)

VES 004739